

February 19, 2019

Chair and Members Hamilton Municipal Heritage Committee  
c/o Loren Kolar, Legislative Coordinator  
71 Main Street West, 5th Floor  
Hamilton, Ontario, L8P 4Y5

**Heritage Permit Application HP2018-046, Under Part V of the Ontario Heritage Act,  
for the erection of a single detached dwelling at 47 Markland Street, Hamilton  
(PED19035) (Ward 2)**

Dear Committee:

As owners of 45 Markland Street, adjacent to the proposed application, we wish to express concern with the following application. As stated in the staff report, Cultural Heritage Resources Policies of the Urban Hamilton Official Plan (UHOP) have the relevant policy goal to: “ensure that all new development [is] contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.”

We wish to express concern with the following application as we believe that it impacts the integrity of adjacent cultural heritage resources on two fronts:

**1. Front Yard Parking**

Permitting two (2) parking spaces in the front yard, in the location described in the site plan provided in the application, adjacent to the existing driveway at 45 Markland Street, creates three consecutive car widths of driveway access from street. Taken together, this would represent approximately 11 linear metres (with a 1.2 m buffer) of clustered drive way access facing Markland St.

The Durand-Markland Heritage Conservation District study states that, “The creation of front yard parking would drastically affect the historic character of the area by reducing the amount of soft landscaping in the streetscape.” Front yard landscaping is an important part of cultural heritage value of 45 Markland Street and thus, we have concerns about the proposed parking.

This proposed parking diminishes the existing front yard character of 45 Markland Street which is approximately 82% landscaped, with only a single width car driveway (see picture below).



If additional space between the proposed parking and 45 Markland Street could be achieved, this would lessen the impact. Ideally, locating the parking such that driveways of all three houses (45, 47 and 51 Markland St.) are more balanced in their distribution of curb cuts, with greenspace maintained between them would more fairly distribute the impact of the proposed parking spots and is more in character with the cultural heritage of the adjacent houses and the neighbourhood overall.

## **2. Concerns about the siting and design of the proposed structure as it relates to impacts on a feature window of cultural heritage value of 45 Markland**

Siting and design of the proposed two storey portion of the structure blocks the western centre hall window at 45 Markland Street. This is a major (5.5 ft. x 7 ft.) westerly facing window providing important light to the upper and lower floors of 45 Markland street.

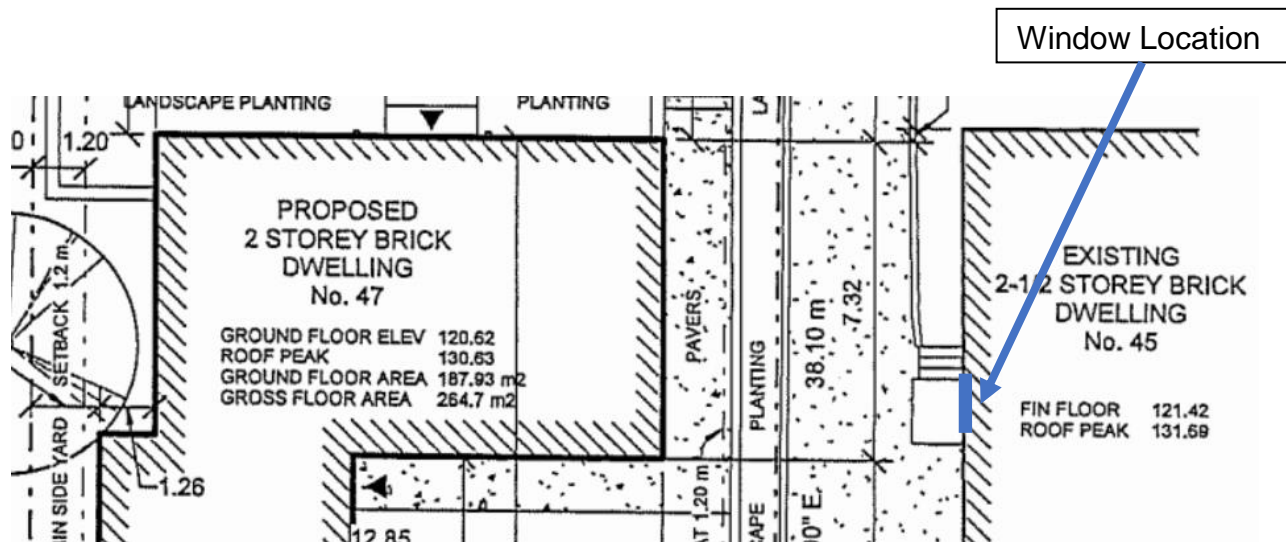
Further, the Durand-Markland Heritage Conservation District Study: Heritage Assessment Report specifically highlights the window in its assessment of 45 Markland Street describing it as the, “Venetian-style window located above the side entrance on the west elevation.”

This window is a primary and significant feature of the entire western elevation of 45 Markland, is of cultural heritage value, and thus its integrity should be accommodated in design and siting of a new adjacent infill.

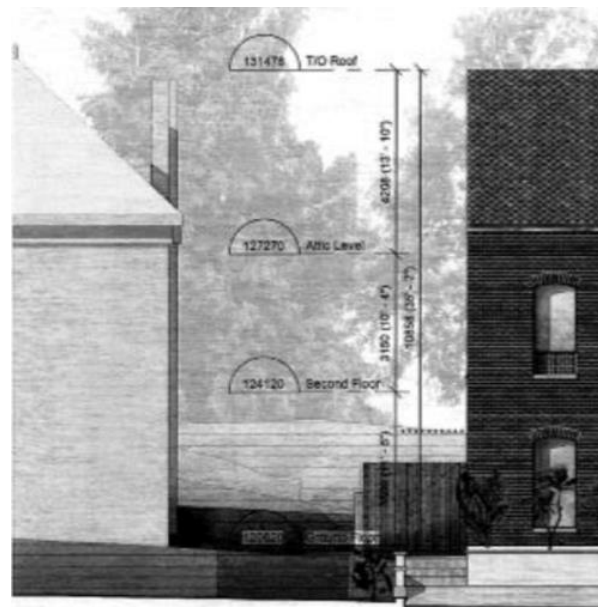


*Venetian-style window located above the side entrance on the west elevation of 45 Markland Street. Left: Inside view, Right: Outside view*

The current design has the two-storey portion of the proposed dwelling aligned as to block the full width of the window (see below). Additionally, the siting effectively minimizes the potential width between the two structures which impacts views and natural light to the major centre hall window of 45 Markland Street.



The eastern elevation of the proposed structure shows a roof design that extends vertically to the tallest peak (side gable), and does not slant like the north and south elevations (hip roof), similar to most neighbouring structures on the street, including 45 Markland Street. The major centre hall window on the western elevation of 45 Markland Street is the primary design feature and is of cultural heritage value. The current siting and design directly impact this cultural heritage feature of 45 Markland Street and therefore, siting of the structure and design of the roof should take specific steps to accommodate this.





If a roof design was incorporated that was similar to adjacent houses whereby the east and west elevations slant away from their neighbours instead of extending vertically to the peak, the impacts on the western elevation of 45 Markland Street would be lessened (see illustrations below).



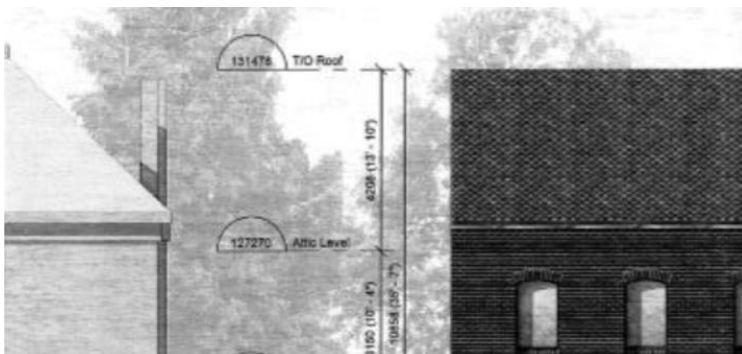
Existing



Existing



Existing



Proposed

We feel that reasonable design changes could be undertaken to mitigate the impacts of the front yard parking and the impacts of the proposed two-storey dwelling (including the roof design) on the western elevation of 45 Markland Street and its cultural heritage resources.

We understand that the applicant has agreed to extend the review timeline for this application an additional 30 days, until April 10, 2019. Therefore, as part of the approval of this permit application, we request:

- a. An assessment be conducted on the impact of the proposed design of 47 Markland Street on the Venetian-style window located above the side entrance on the west elevation of 45 Markland Street (e.g. sun-shadow impact analysis).*
- b. That staff report back on measures that could lessen the impact (e.g. roof design).*
- c. That final design of 47 Markland Street be approved after demonstrating that measures have been taken to lessen the impact, and maintain the integrity, of this important cultural heritage feature.*

Sincerely,

Susan and Edmund Shaker  
45 Markland Street

## **Municipal Plans and Policies that Support the Concerns Listed in this Submission**

### Urban Official Plan

Hamilton's Urban Official Plan outlines policies to consider when considering applications for residential intensification. The lands of concern fall under the Neighbourhoods designation on Schedule E-1 of the Official Plan. Therefore, of relevance to this application are policies in Chapter B – Communities, Section:

#### 2.4.2 Residential Intensification in the Neighbourhoods Designation

2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- i) the conservation of cultural heritage resources;

Of specific relevance to this application are items listed in b, c, and d above as the proposed the siting of the structure and design of the roof do not demonstrate:

- compatibility with adjacent land uses including matters such as shadowing and lighting;
- the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- the consideration of transitions in height and density to adjacent residential buildings;

### 3.3.2 General Policies and Principles

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

### 3.3.3 Built Form

3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

### 3.4 Cultural Heritage Resources Policies

3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources”

### 3.4.2 General Cultural Heritage Policies

3.4.2.9 For consistency in all heritage conservation activity, the City shall use, and require the use by others, of the following criteria to assess and identify cultural heritage resources that may reside below or on real property:

- c) architectural, engineering, landscape design, physical, craft, or artistic value;
- d) scenic amenity with associated views and vistas that provide a recognizable sense of position or place;
- e) contextual value in defining the historical, visual, scenic, physical, and functional character of an area; and,

3.4.2.10 Any property that fulfills one or more of the foregoing criteria listed in Policy B.3.4.2.9 shall be considered to possess cultural heritage value. The City may further refine these criteria and provide guidelines for their use as appropriate.

### 3.4.3 General Cultural Heritage Policies for Urban Areas

3.4.3.6 The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.



## Durand-Markland Heritage Conservation District Study

The lands relevant to this application fall within the boundaries of the Durand-Markland Heritage Conservation District (HCD). Some policies and recommendations from this plan are relevant to this application.

Specifically, with regards to the additional front yard parking spot, the preamble on **Parking** in the **Durand-Markland HCD Plan: Municipal Initiatives, Planning and Implementation** report states that:

“The creation of front yard parking would drastically affect the historic character of the area by reducing the amount of soft landscaping in the streetscape. Moreover, increasing the number of curb cuts to give access to a front yard space, reduces the capacity of the street to accommodate parked cars.”

Recommendation (13) of the Durand-Markland HCD Plan states:

“It is recommended that the City of Hamilton not permit new front yard parking spaces to be created in the Durand-Markland Heritage Conservation District.”

In the **District Conservation, Design and Landscaping Guidelines** report:

Section 4.4 Construction of New Building states, “Where new construction is proposed...it’s appearance should be sensitive to the character of its neighbours.”

Under 4.4.1 General Principles, “The general factors which govern the visual relationships between an infill building and its neighbours: height, width, proportion, relationship to the street, roof forms, composition, proportion of openings, materials and colour, should be studied carefully and used as a basis for new construction.”

Further, the **Durand-Markland Heritage Conservation District Study: Heritage Assessment Report** highlights the window in its assessment of 45 Markland Street describing it as the, “Venetian-style window located above the side entrance on the west elevation.”

Submitted by Susan Shaker